

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-22267 - APPLICANT/OWNER: 4 CHARLESTON, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the conditions of approval for Special Use Permits (SUP-22264, SUP-22265, SUP-22266, SUP-22874, SUP-22875 and SUP-22876).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site and landscape plan, date stamped 07/10/07, and building elevations, date stamped 05/29/07, except as amended by conditions herein.
4. A Waiver from the Downtown Centennial Plan [Subsection VII (D.5.e)] is hereby approved, to allow a trash enclosure to be located within the rear setback where the Plan prohibits extension of service and loading areas into any setback area.
5. A Waiver from the Downtown Centennial Plan [Subsection VII (D.4)] is hereby approved, to allow a six-foot sidewalk where a 10-foot sidewalk is required.
6. A Waiver from the Downtown Centennial Plan [Subsection VII (D.4)] is hereby approved, to allow 36-inch box shade trees at 22-foot intervals where a maximum of 20 feet is required.
7. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection VII (D.1.e) of the Downtown Centennial Plan. In addition, utilities and power service lines in alleys shall be located underground in accordance with Subsection VII (D.1.e) of the Downtown Centennial Plan.
8. Prior to the issuance of any building permit for vertical construction, a site plan showing all existing and proposed above-ground utility installations shall be submitted for approval by the Planning and Development Department.

9. Where the finished floor elevation of the ground floor of the building must be raised above the grade of the adjacent public sidewalk for flood control purposes, any stairs or ramps to the new finished floor elevation shall be accommodated on private property within an exterior arcade or similar architectural feature as required by the Downtown Centennial Plan, Subsection VII (D.4.d).
10. All new developments shall provide and install light fixtures, benches, trash receptacles and tree grates in place of existing fixtures in accordance with Subsection VII (D.4.a) of the Downtown Centennial Plan. Placement and spacing of light fixtures shall be as directed by Public Works.
11. Outdoor dining is subject to the standards contained in the Downtown Centennial Plan Subsection IV.B.
12. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.
13. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
14. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
15. Reflective glazing at the pedestrian level is prohibited. Glazing at any level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology). Reflective or tinted glass shall not exceed 60 percent of the overall enclosure of the building.
16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
17. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

19. Coordinate with the City Surveyor regarding recordation of a Reversionary Map for this site; comply with the recommendations of the City Surveyor.
20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site on Charleston Boulevard, if any, and replace with new improvements meeting current City Downtown Centennial Design Standards concurrent with development of this site except as amended by conditions herein.
21. A Waiver from the Downtown Centennial Plan, as described in Section VII (D.1.f) is hereby approved, subject to signing a Covenant Running with Land agreement for the possible future installation of alley improvements adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of any permits.
22. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the ITS Communication Infrastructure Phase 1B project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
23. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
24. Obtain an Occupancy Permit for all landscaping and private improvements, if any, in the Charleston Boulevard public right-of-way adjacent to this site.
25. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of map subdividing this site, whichever may occur first. Provide and improve all drainageways as recommended.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed two-story, 8,041 square foot building containing three Urban Lounges, a restaurant and offices at 4-8 East Charleston Boulevard. In addition, the following waivers of the Downtown Centennial Plan Standards are requested:

- To allow no streetscape improvements where a five-foot amenity zone and 10-foot sidewalk with amenities is required;
- To allow overhead electrical utilities where underground utilities are required for all new developments; and
- To allow no alley improvements, including special pavement markings, where these improvements are required for all new development abutting alleys.

The site plan submitted 07/10/07 addresses some of these issues. The proposed building was moved further to the south to allow for streetscaping and amenities along Charleston Boulevard. Utilities will now be located underground and alley improvements are planned to be deferred until necessary. The proposal is pedestrian friendly and will help to improve the image of downtown. The recommendation is for approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
04/05/00	The City Council approved a Special Use Permit (U-0009-00) for a proposed Thrift Shop at 4 East Charleston Boulevard. The Planning Commission and staff recommended approval. The Special Use Permit will expire 08/04/07.
05/27/03	Business Licensing Enforcement responded to a complaint (#15590) regarding trash and debris in the alley behind the subject property. The case was resolved 05/27/03.
01/04/06	The City Council adopted Ordinance No. 5807, establishing the means for allowing the use "Urban Lounge" in certain commercial and industrial districts. This ordinance also required approval of a Special Use Permit for any general business gaming activity at an establishment qualifying as an urban lounge.
05/04/06	Business Licensing Enforcement responded to a complaint (#168052) regarding portable signage within the public right-of-way in front of the building on the subject site. The case was resolved 05/04/06.
06/23/06	Business Licensing Enforcement responded to a complaint (#184053) regarding graffiti on the subject property. The case was resolved 06/23/06.

01/31/07	Business Licensing Enforcement responded to complaints (#246569-246580) regarding graffiti in the area bounded by Charleston Boulevard, Casino Center Boulevard, Oakey Boulevard and Main Street, including the alleys in between these streets. The case was resolved 01/31/07.
07/26/07	<p>The Planning Commission recommended approval of companion items SUP-22264, SUP-22265, SUP-22266, SUP-22874, SUP-22875 and SUP-22876 concurrently with this application.</p> <p>The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #46/ss).</p>
<b>Related Building Permits/Business Licenses</b>	
04/10/00	A business license (N36-00014) was issued for a Thrift Shop at 4 East Charleston Boulevard. The license was marked out of business on 08/04/06.
12/06/00	A business license (D08-01662) was issued for an Upholstery business at 8 East Charleston Boulevard, Suite #B. The license remains active.
04/22/03	A business license (F07-01773) was issued for a Furniture Store at 8 East Charleston Boulevard, Suite #A. The license remains active.
10/27/03	A business license (C07-03120) was issued for a Clothing Store at 6 East Charleston Boulevard. The license was marked out of business on 05/04/04.
04/29/04	A building permit (#04010153) was issued for a non-work Certificate of Occupancy at 6 East Charleston Boulevard for a Furniture Store. The permit had a final inspection on 07/15/04.
05/06/04	A business license (F07-01830) was issued for a Furniture Store at 6 East Charleston Boulevard. The license was marked out of business on 04/08/05.
<b>Pre-Application Meeting</b>	
05/09/07	At the meeting, it was determined that a reversionary map would be required prior to permits and that waivers of the Downtown Centennial Plan would be needed. Although Title 19 parking requirements are not automatically applied, the number of spaces proposed was discussed in relation to the types of uses proposed (i.e., taverns and restaurant). Signs cannot encroach into the public sidewalk area.
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required for this application, nor was one held.	
<b>Field Check</b>	
06/05/07	The subject site contains a structure with a stone façade and metal siding on the awning. There are no front or side yard setbacks. The building contains four doors, two of which are blocked from entry. A bus stop is adjacent to the site on Charleston. Parking is in the rear and contains 12 spaces. A used car lot is adjacent, with a billboard just to the west of the subject building. This billboard does not have sign copy on the east face. The third address at the building contains two suites.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.27

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Furniture store/upholstery store	C (Commercial)	C-2 (General Commercial)
North	Art galleries, studios, offices, theater, restaurant	C (Commercial)	C-2 (General Commercial)
South	Motor Vehicle Sales (Used)	C (Commercial)	C-M (Commercial/Manufacturing)
East	Retail Commercial	C (Commercial)	C-2 (General Commercial)
West	Motor Vehicle Sales (Used)	C (Commercial)	C-2 (General Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan			N*
Redevelopment Plan Area			Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District (18b—Las Vegas Arts District)	X		Y
Live/Work Overlay District	X		N/A
<b>Trails (Tortoise Trail)</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\*See waiver requests below.

## DEVELOPMENT STANDARDS

Per Title 19.06 and the Downtown Centennial Plan Standards, the following development standards apply to the subject site:

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	N/A	0.27 acres	N/A
Min. Lot Width	N/A	75 feet	N/A
Min. Setbacks			
• Front	0 feet	9 feet	Y
• Side	0 feet	0 feet	Y
• Corner	0 feet	N/A	N/A
• Rear	0 feet	46 feet	Y

Max. Lot Coverage	100% or limited by setbacks	45.1%	Y
Max. Building Height	None	2 stories/34 feet	Y
Trash Enclosure	Walled, gated, screened	Walled, gated, screened	Y
Mech. Equipment	Screened from frontage	Screened from frontage	Y

Per Title 19.06.060, properties within the Downtown Overlay District are exempt from the automatic application of mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Title 19. Applications within the Overlay District are evaluated on a case-by-case basis to determine the extent to which those standards are required. The standards applied in the table are required by the Las Vegas Downtown Centennial Plan.

***Per Title 19.12 and the Downtown Centennial Plan, the following Landscape standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree/6 Spaces 10 SF of open space required per space	2 Trees 120 SF open space	2 Trees 140 SF	Y Y
Buffer: Min. Trees	N/A	Not required	4 shade trees within 3 courtyards set back from street and one in rear	N/A
<b>TOTAL</b>		2 Trees	6 Trees	Y
Min. Zone Width	Not required		N/A	N/A
Wall Height	Not required		None	Y

<b><i>Streetscape Standards</i></b>	<b><i>Required</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Amenity Zone	5' minimum width; Shade trees min. 36" box at 15-20' intervals	(3) 36" box shade trees at 22' intervals in standard grates; 5' zone width in existing sidewalk	N
Sidewalk	10' minimum width	Proposed 6' sidewalk	N
Sidewalk amenities	Planters, benches, etc.	benches	Y

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Urban Lounge #1	1,149 SF	N/A	N/A				
Urban Lounge #3	1,086 SF	N/A	N/A				
Urban Lounge #2/Restaurant	3,076 SF (1,167 seating/ waiting)	1/50 SF seating/ waiting + 1/200 SF remain- ing area	34				
Office	2,730 SF	1/300 SF GFA	10				
SubTotal	8,041 SF		42	2	7	1	
TOTAL			44		8		Y
Loading Spaces	8,041 SF	1: <10,000 SF	1	N/A	1	N/A	Y

Per Title 19.06.060, projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table illustrates the requirements of this project in other areas in the City. Parking for Urban Lounges is determined on a case-by-case basis. Parking area onsite is limited; uses at this site will rely heavily on offsite parking and walk-up traffic.

<b>Waivers – Downtown Centennial Plan</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Streetscape Standards – existing 5’ sidewalk to be used as amenity zone and proposed 6’ sidewalk	5’ amenity zone with shade trees, 10’ patterned sidewalk, sidewalk amenities	Approval. Charleston is a constrained right-of-way with an existing bus stop adjacent to the site.
Underground utilities – overhead or ground level utilities proposed	New developments must underground all utilities, including above-ground alley installations	Waiver no longer needed, as the applicant will agree to underground all utilities.



Alley improvements – proposed future improvements to alley	New developments must install special pavement markings	Approval. The applicant will agree to sign a covenant running with land agreement to provide required treatment.
Trash enclosure within rear setback area	No service or loading area may extend into a setback area	Approval. The rear setback is not a required setback.

## ANALYSIS

- **Zoning**

The subject site is zoned C-2 (General Commercial) and is located within the Arts District of the Downtown Overlay District. Development is subject to the standards contained within Title 19.06 and the Downtown Centennial Plan. Urban Lounges are permitted uses within the Arts District and the C-2 (General Commercial) zoning district with approval of a Special Use Permit for each lounge. Each lounge is also permitted up to five slot machines with approval of separate Special Use Permits for General Business-Related Gaming.

- **Site Plan**

The proposed project described in Site Development Plan Review (SDR-22267) is for a new 8,041 square foot building that will contain three urban lounges, a restaurant, and second story offices. The existing 5,772 square foot building, which was built in 1948, will be demolished. (This building has been documented by the city's Historic Preservation Officer.)

The site plan dated 07/10/07 shows that the proposed building will be set back from Charleston Boulevard to provide a five-foot amenity zone consisting of the existing sidewalk, along with proposed shade trees and benches; a six-foot sidewalk connecting to the existing sidewalk; and a 3.5-foot strip of stone groundcover adjacent to the building. Although a waiver is necessary to allow the streetscape proposal, staff recommends it be approved, as Charleston Boulevard is a constrained right-of-way with an existing bus stop adjacent to the site. Access to the site will be from the 20-foot alley behind the proposed building. This alley has access to Main Street on the west and Casino Center Boulevard on the east. Onsite parking, which is located off the alley at the rear of the structure, will not be adequate for the proposed development; however, on-street parking and heavy walk-up traffic are expected. Remapping of the site is necessary to eliminate existing non-parcel lot lines within the boundaries of the project.

Additionally, the existing structure is over 50 years old. The proposed new design was deemed necessary to accommodate the use concept. Subsection III.E of the Downtown Centennial Plan lists as an objective the consideration of the sale or donation and transportation of historic buildings or structures to another site before demolition if the buildings or structures cannot be incorporated into a new design.

- **Landscaping**

Trees are provided within the enclosed courtyard areas along Charleston and along the eastern edge of the parking lot. Proposed trees are 36-inch box elm and mesquite shade trees, with shrubs and groundcover at appropriate intervals. Chinese Elm trees are also proposed within the rear dining courtyard that are not part of the required landscaping. Southern Live Oak of 36-inch box size are proposed for the streetscaped area along Charleston Boulevard. Landscape materials are acceptable for the project.

- **Elevations**

The submitted elevations show a painted rectangular CMU exterior with a flat roof having an ultimate height of 34 feet. The upper level and parapet consist of a smooth finish EIFS. The front courtyard area is enclosed on the north elevation with 16-foot tall tinted glass to reduce glare, noise and traffic pollution. Glazing on the rest of the structure consists of a mixture of clear and tinted low-E glass. While there is some color and articulation in the design of the exterior walls (only the courtyard and upper floor will be visible), the Downtown Centennial Plan also suggests incorporating murals, texturing or graphics.

The proposed courtyard design, while featuring transparent walls, is closed off to Charleston Boulevard, giving the appearance of an exclusive private space. The standards for the Arts District were crafted to allow for open sidewalk dining and greater visual appeal from a pedestrian perspective. The glass facade may be a potential invitation to vandalism.

- **Floor Plans**

A unique floor plan features three urban lounges on the ground floor. Interior walls separate the lounges and each contains a separate gated entrance from Charleston Boulevard; however, each also has access to a common hallway containing shared restroom facilities. The Building and Safety Department confirms that this plan conforms to 2006 International Building Code requirements. In addition to an urban lounge, the center space contains a full restaurant straddling both sides of the common hallway. The floor space on the south side of the hallway is all back-of-house, except for a 682 square foot courtyard containing up to 36 seats.

Each tenant space contains a courtyard area enclosed from Charleston Boulevard at the front property line. Two of the three courtyards will contain landscaped areas, and all three will have retractable shades to satisfy the Arts District requirement for shading and climate control. Outdoor dining is permitted in conjunction with an approved Site Development Plan pursuant to the Downtown Centennial Plan Subsection IV.B.

The urban lounges conform to the requirements set forth in Title 19.04.010. Each will also contain up to five table top slot machines, as is allowed per Title 6.40 with approval of a separate Special Use Permit.

The upper level contains offices and a conference room, and can be independently accessed from the rear of the building. It is stepped back approximately 50 feet from the front courtyards at ground level.

## **FINDINGS**

Per Title 19.18.050, the following findings must be made for a Site Development Plan Review:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed urban lounge, office and restaurant development is compatible with existing commercial development surrounding the site, and would be an attractive destination for proposed mixed-use developments at the southwest corner of Main and Charleston and the northeast corner of Casino Center and Charleston.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is appropriate for the C-2 (General Commercial) zoning district and the Downtown Redevelopment Area. Proposed gaming and alcohol uses will require separate Special Use Permit approvals. However, the development does not meet streetscape requirements of the Downtown Centennial Plan. Waivers are requested from these standards. The proposal generally meets objectives of the Downtown Centennial Plan aimed to create streetscapes that provide safety, comfort and interest for pedestrians.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Traffic enters the site from a 20-foot wide alley with access to Main Street on the west and Casino Center Boulevard on the east. While they will see a general increase in traffic, these roadways should not be negatively affected by the proposed development. Parking occurs at the rear of the building, where space is limited. Traffic on Charleston Boulevard will not be affected by the proposed development.

**4. Building and landscape materials are appropriate for the area and for the City;**

Building and landscaping materials are acceptable for this area of the city.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The rectilinear building design and courtyards with transparent walls on Charleston Boulevard generally creates a pedestrian-friendly dining area for patrons of the Las Vegas Arts District. While there is some color and articulation in the design of the exterior walls (only the courtyards and upper floor will be visible), the Downtown Centennial Plan also suggests incorporating murals, texturing or graphics.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development will be subject to regular inspections for building permits and business licensing, and therefore will not threaten the public health, safety and general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

8

**ASSEMBLY DISTRICT**

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**SENATE DISTRICT**

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**NOTICES MAILED**

125 by Planning Department

**APPROVALS**

2

**PROTESTS**

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